

MINUTES

ALCOHOL AND TOBACCO COMMISSION

**FEBRUARY 5, 2002
(Approved February 19, 2002)**

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Prosecutor Bauer, Executive Secretary Steiner and Industry Liaison Okey.

Ronna Chappell of ILBA, Debbie Scott of IABR, Pam Ferguson of WSWI, Bruce Thompson, Cameron Clark, Charlie Key, and Lu Lamb of Ice Miller were present as observers.

COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the January 15, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the February 5, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Three hundred five (305) renewals approved, twenty-six (26) new and/or transfer permits approved, thirty-eight (38) permits conditionally approved, nine (9) permits approved for first year escrow, and three (3) permits approved for second year escrow.

RR49-10332 SHERRY R. HOPKINS – Commissioner Marks moved to approve this permittee's request for 3rd year escrow. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Davis moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR49-04866 STAGE ONE, INC. – Chairperson DePrez stated this permittee has requested a renewal extension on his license. The Commissioners are concerned about whether to give a 90-day renewal extension letter. There are pending violations against this permit. The Chairperson asked Prosecutor Bauer to brief the Commission on what is happening currently with this permit.

Prosecutor Bauer stated there are pending violations against this permit and there has been a subsequent violation during the original extension time period. The hearing on the violations has been continued numerous times and is currently scheduled for February 25, 2002, however, the permittee informed the Prosecutor that he fired his attorney and has obtained a new attorney. Prosecutor Bauer advised the new attorney that he would continue this matter for only 30 days. The Prosecutor stated he did not know if the case would be disposed of in 90 days.

Chairperson DePrez stated that she hoped the Prosecutor and Hearing Judge would do their best to clear this matter up in 90 days.

The Commission approved the request for a 90-renewal extension.

APPLICATIONS FOR DISCUSSION

RR56-19665 AND RR56-19666 THE BACKDOOR LLC – Vice Chairperson Glass stated this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR02-90379 JAG'S OF I & W, INCORPORATED – Vice Chairperson Glass stated the location of this permit has been annexed into the city limits of Fort Wayne. The permittee is requesting this type 209 permit be converted to a type 210 permit.

Vice Chairperson Glass moved to approve the conversion. Motion seconded by Commissioner Davis and it was unanimously approved.

RR71-95384 ALLEGRE, INC. – Vice Chairperson Glass noted this is a type 112 renewal application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR71-93210 JTCG, INC. – Vice Chairperson Glass noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

SS89-99042 MAIN STREET BAR & GRILL, LLC – Vice Chairperson Glass noted this is a new Sunday sales application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new Sunday permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL89-05984 PAYLESS LIQUORS, INC. – Vice Chairperson Glass noted this is a type 217 transfer of ownership and location application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfers. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make fifty-two (52) permits inactive. Forty-one (41) permits are not subject to auction and eleven (11) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

DL04-19422 CASEY'S ENTERPRISES, LLC – Chairperson DePrez stated this appeal will be assigned to a hearing officer and scheduled for an appeal hearing.

RR49-05714 2104, INC. – Hearing Judge Steiner stated this permittee, whose renewal is in Judicial Review, is requesting permission to file a transfer of ownership for this permit. Hearing Judge Steiner stated the transfer seems to be in order.

Commissioner Marks moved to approve the request. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR49-95412 AKJI, INC., DL21-98455 K-MART OF INDIANA, DL46-98482 K-MART OF INDIANA – Hearing Judge Steiner stated he received letters from the above applicants withdrawing their pending appeals.

Vice Chairperson Glass moved to accept the withdrawal of appeal for these applicants. Motion seconded by Commissioner Marks and it was unanimously approved.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

INDIANAPOLIS MUSEUM OF ART ASIAN ART SOCIETY FUNCTION – The Indianapolis Museum of Art is requesting permission to auction donated wine for the benefit of the Asian Art Society.

DANCE KALEIDOSCOPE – Dance Kaleidoscope is requesting permission to serve donated alcoholic beverages at their Dance VIII.

DINING A LA HEART 2002 – Dining A La Heart 2002 is requesting permission to serve donated alcoholic beverages at their fundraising event.

CARMEL ROTARY CLUB – The Carmel Rotary Club is requesting permission to auction donated wine for their fundraising event.

FAMILY ADVOCACY CENTER – Family Advocacy Center is requesting permission to serve donated alcoholic beverages at their fundraiser.

ST. THOMAS MORE SCHOOL MARDI GRAS 2002 – St. Thomas More School is requesting permission to hold a wine tasting and auction at their Mardi gras 2002.

HAPPY HOLLOW CHILDREN’S CAMP, INC. – Happy Hollow Children’s Camp is requesting permission to allow bottled wine to be brought onto the premises of Riverwalk Banquet Center for consumption by the patrons of their charity benefit.

AMERICAN HEART ASSOCIATION HEART OF GOLD BALL – American Heart Association is requesting permission to serve donated alcoholic beverages at their Heart of Gold Ball.

AMERICAN HEART ASSOCIATION TASTE OF SOUTHERN INDIANA – American Heart Association is requesting permission to serve samples of donated alcoholic beverages at their Taste of Southern Indiana.

BOYS AND GIRLS CLUB OF ZIONSVILLE, INC. DINNER/DANCE/AUCTION – The Boys and Girls Club of Zionsville is requesting permission to serve donated alcoholic beverages at their Dinner/Dance/Auction.

MONTESSORI CHILDREN’S SCHOOLHOUSE – Montessori Children’s Schoolhouse is requesting permission to hold a wine tasting and auction donated wine at their fundraising event.

ST. SIMON CATHOLIC CHURCH ROYAL FEAST – St. Simon Catholic Church is requesting permission to serve donated wine for their Royal Feast.

Commissioner Davis moved to approve these requests. Motion seconded by Commissioner Marks and it was unanimously approved.

Commissioner Davis also stated that persons who are requesting donations of alcoholic beverages need to be reminded to make requests to the Commission 30 days prior to their event.

POLICY DETERMINATIONS

There were no Policy Determinations.

UNDER ADVISEMENT

There was nothing Under Advisement.

ANNOUNCEMENTS

There were no Announcements.

ADJOURNMENT

Commissioner Davis moved to adjourn the meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER